

RULES OF COURT

CITY OF ARLINGTON MUNICIPAL COURT OF RECORD

RULE ONE: ENTRY OF A PLEA:

- 1.1 Written Plea: All pleas shall be in writing, except for pleas entered in open court before a judge. A fine payment shall constitute a plea of “no contest” and a waiver of jury trial as allowed by law;
- 1.2 Plea by Mail: The postmark date shall be designated as the date of filing of any plea received by mail;
- 1.3 Plea by FAX: The date of the receipt of a FAX by the Court Clerk shall be designated as the date of filing of any plea. Other than the entry of a plea, a fax does not otherwise constitute notice or an appearance.
- 1.4 Effect of “Not Guilty” Plea: All defendants who have entered a plea of “not guilty” shall be set by the Court Clerk to a Pre-Trial hearing or Walk-in docket. A defendant, even if represented by counsel, must be present at any pre-trial proceeding.

RULE TWO: COURTROOM DECORUM:

- 2.1 Order: Order shall be maintained at all times. Violation of this rule can result in a reprimand by the judge, expulsion from the courtroom or a finding of contempt of court which may include up to three (3) days in jail and a fine of up to \$100;
- 2.2 Dress: All persons should dress appropriately for court. Clothing that is not appropriate includes, but is not limited to, muscle shirts and tank tops, flip-flops, clothing with offensive messages, tube tops/halter tops/strapless tops/plunging necklines/bare midriffs, shorts. Persons not appropriately dressed are subject to removal from the courtroom;
- 2.3 Food/Drink:
 - a. In order to maintain cleanliness and decorum in the courtroom, no open containers of food or drink shall be consumed in or brought in to the courtroom, except when specifically allowed by the Judge;
 - b. Alcohol is not allowed in any of the courtrooms or common areas of the court house;
- 2.4 Hats: No hats shall be worn in the courtroom except when allowed by a Judge;
- 2.5 Electronic Devices: All electronic devices must be turned off or in silent mode in the courtroom. Failure to do so may result in a finding of contempt of court or removal from the courtroom;

RULE THREE: NOTICE:

- 3.1 Responsibility: It is the responsibility of all persons with business before the Court to update or notify the Court Clerk of any change of address;
- 3.2 Notice: Notice of the date, time and nature of each setting shall be given by the Court Clerk to each party in writing, in person or by mail, to the last known address of a party or counsel. A copy of each notice shall be included in the papers of the case, and marked as to the manner of its delivery;
- 3.3 Verbal Representations: Reliance upon verbal information allegedly given by a clerk, concerning any matter, shall not be considered grounds for a continuance, setting aside of a warrant, or of any other relief. Reliance upon a police officer's alleged verbal statement(s) regarding the disposition of an offense is not binding upon the Court;

RULE FOUR: MOTIONS:

- 4.1 Motions for Continuance:
 - a. Continuances are governed by Chapter 29, Texas Code of Criminal Procedure. These rules augment but do not replace that code. All rules concerning Motions for Continuance shall apply to a pro-se defendant in the same manner it would apply to a defendant represented by an attorney;
 - b. Form: All motions for continuance shall be in writing (FAX acceptable) and shall be filed with the Court Clerk. Such motions shall be filed immediately upon discovering the necessity for a continuance. Each motion shall contain:
 - 1) The cause number;
 - 2) The name of the defendant;
 - 3) The date and time of the setting to be continued; and,
 - 4) The specific and detailed facts justifying the continuance.
 - c. Conflicting engagements of counsel:
 - 1) Where counsel has a setting in another court that conflicts with a setting in the Arlington Municipal Court:
 - i. The Court Clerk will reset a pre-trial, if said request is the first request for a continuance filed by the party. Permission by the Court will not be needed if the request is filed timely, prior to the date of the setting.
 - ii. The approval of the Court will be necessary on any request for a continuance after a first reset, even if submitted as an agreed motion by the parties.
 - iii. Approval by a judge is required if the reset is requested for a case set on any setting other than a pre-trial.
 - d. Denied Motions:
 - 1) If the request for a reset is denied by the Court, the Court may:

- i. Require that a bond be posted in up to the amount of the fine; and/or
 - ii. Issue a warrant for the arrest of the Defendant.
 - 2) If a defendant fails to appear after a surety bond has been posted the bond may be forfeited as allowed by law and a judge may require a cash bond before the case is reset again.
 - 3) It is the responsibility of the defendant or defense attorney to determine if a motion was granted or not.
- e. Officer/Witness unavailable:
- 1) Where the State has learned that a necessary officer, inspector, official or witness is unavailable for a bench trial, the State will be allowed to reset the case once upon the timely and proper filing of a motion pursuant to Article 29.04 of the Code of Criminal Procedure. Permission from the Court will not be necessary. Any subsequent requests to reset a trial will require good cause shown to the Court. If a second or later request to reset a bench trial is denied, the State must proceed to trial as set.
- f. Jury Trial:
- 1) Only upon the timely motion by either the State or the Defense, showing good cause, shall a Jury Trial be continued. Jury trials are set on a date certain with sufficient advanced notice to both sides. Timely notice shall be deemed 30 days prior to jury trial, allowing the Court Clerk to stop all procedures to empanel a jury ;
 - 2) If a pro-se defendant or a defendant represented by counsel fails to appear for a jury trial as scheduled, the Defendant may be asked to post a bond up to the amount of the fine plus the cost associated with assembling a jury panel. Additionally a warrant may be issued.
- 4.2 Motions to Withdraw: Any attorney who makes an appearance on behalf of a defendant in writing, in open court or who posts a bond for a defendant shall remain the attorney of record until a motion to withdraw as counsel or substitute as counsel is filed and granted. Said motions shall be set for hearing and both counsel and the defendant will be notified of the hearing date and time by the Court Clerk.
- 4.3 Pre-Trial Motions: Any Pre-Trial Motion, including, but not limited to motions for discovery, suppression of evidence and/or to quash, shall be filed with the Court Clerk at least 20 days before trial. Upon review of the motion(s), the Court may ask the Court Clerk to set the motion(s) for hearing. If a hearing is set, the Court Clerk will notify both the State and the Defendant of the hearing date. The State is responsible for the appearance of all necessary witnesses in response to a Defendant's motion to suppress evidence.

- 4.4 Copies: On all motions filed with the Court, the movant must file the original motion and one copy with the Court Clerk. The Court Clerk will file mark both copies, scan the original into the court computer system, and forward the original document to the Court and the copy to the State. Defendants desiring conformed copies shall provide the Court Clerk with a second copy of the document(s) along with a return envelope properly addressed and stamped. Service/mailing of said motion(s) only to the State shall not be deemed filed with the Court Clerk.

RULE FIVE: PRE-TRIAL HEARINGS:

- 5.1 Effect of “Not Guilty” Plea: All defendants who have entered a plea of “not guilty” shall be set by the Court Clerk to a Pre-Trial hearing. A defendant, even if represented by counsel, must be present at any pre-trial proceeding. Failure of a defendant to appear at any pre-trial docket will result in the issuance of a warrant for arrest unless good cause is shown.
- 5.2 Non Jury Pre-Trial/Attorney Plea Docket: The Non-Jury Pre-Trial/Attorney Plea Docket shall be a mandatory negotiation conference. All cases that have not been disposed of at the Non Jury Pre-Trial Docket shall be docketed as follows:
- a. *Request for Bench Trial:* If a defendant elects to proceed to a bench trial, the following setting shall be a bench trial;
 - b. *Request for Jury Trial:* If a defendant does not waive a jury trial, the second setting shall be to a Jury Pre-Trial docket, allowing the State time to obtain all necessary reports. The next setting shall be to a jury trial.
- 5.3 Requests for Assistance:
- a. A request for a language interpreter should be made in writing at the Pre-Trial hearing;
 - b. A request for assistance from persons with disabilities should be made at the Pre-Trial hearing.

RULE SIX: TRIALS:

- 6.1 All trials shall be set for a date certain, subject to a motion for continuance having been filed by either party.
- 6.2 A pro-se defendant (a defendant who represents him or herself) shall be expected to follow all applicable rules and laws of court as set out in part by the Code of Criminal Procedure as well as the Rules of Evidence.
- 6.3 Subpoenas:
- a. Court Clerk: All requests for the subpoena of a witness shall be made in writing and filed with the Court Clerk. The Court Clerk shall prepare all

said subpoenas without permission of the Court unless a pre-trial motion concerning said subpoenas has been properly filed. Said motions shall be directed immediately to the court for review;

- b. Arlington Police Department/Warrant Unit: The service of any and all subpoenas shall be completed by an officer of the Arlington Police Department who shall, upon execution of said subpoena, complete the Return of Service and file said document, along with a copy of the subpoena, with the Court Clerk.

- 6.4 Required Appearance: All interested parties must be present and in the courtroom at the time the docket is called. Interested parties are defined as:
 - a. Defendants
 - b. Defense counsel
 - c. State's counsel

- 6.5 Failure to Appear: A warrant for arrest shall be entered if a defendant is not present at the time the docket is called. The warrant will not be cleared, and the case will not be reset unless a bond is posted with the Court Clerk. The docket judge will determine the amount of the bond and can set the bond up to double the fine amount.

- 6.6 Media Access: As a general rule, broadcast media will not be allowed to record any court proceeding. Any exceptions must be made by the Chief Judge or the Judge presiding over the case sought to be recorded or broadcast.

RULE SEVEN: BAILIFFS:

- 7.1 A Bailiff or Bailiffs shall be present at all times when Court is in session or in recess unless excused by the presiding Judge.
- 7.2 The Bailiffs shall enforce all rules of court and all other duties assigned by administration consistent with the applicable law and ordinances.